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7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 DOSTART CLAPP GORDON &
11 COVENEY, LLP, a limited liability
partnership,)

12 Plaintiff,)

13 v.)

14 UNITED STATES DEPARTMENT OF)
15 LABOR; ELAINE L. CHAO, in her official)
capacity as Secretary of Department of)
16 Labor; and DOES 1 through 20, inclusive,)

17 Defendants.)
18 _____)

Civil No. 08cv0863-JM (AJB)

NOTICE OF MOTION AND MOTION BY
DEFENDANTS TO DISMISS

[Fed.R.Civ.P. 12(b)(1), (b)(6)]

Date: August 1, 2008

Time: 1:30 p.m.

Court: 16

The Honorable Jeffrey T. Miller

[Defendants Do Not Request Oral Argument]

19 **To the Court and Plaintiff through Counsel:**

20 Please take notice that on the date set forth above or as soon as counsel may be heard, in the
21 courtroom of the Honorable Jeffrey T. Miller, federal defendants, through their attorneys of record,
22 Karen P. Hewitt, United States Attorney, and Megan Callan, Assistant U.S. Attorney, will bring on their
23 motion to dismiss the instant complaint pursuant to Federal Rules of Civil Procedure 12(b).

24 This motion for dismissal is based on the grounds that Plaintiff has not established subject matter
25 jurisdiction and has failed to state a claim upon which relief may be granted.

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1 This motion is based on this notice, the accompanying Memorandum of Points and Authorities,
2 Plaintiff's Complaint, the Court's files and records in this and pending related actions, and any other
3 matter the court may consider at oral argument or otherwise.

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5 Dated: June 13, 2008

Respectfully submitted,
KAREN P. HEWITT
United States Attorney

7 s/ Megan Callan

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MEGAN CALLAN
Assistant U.S. Attorney
Attorneys for Defendants

10 Email: Megan.Callan@usdoj.gov